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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,660	12/22/2000	Gordan Ian Thomas Rowlandson	70191/286 (31-CD-5666)	4784

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,660

Applicant(s)

ROWLANDSON ET AL.

Examiner

Jakieda R Jackson

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The specification is objected to because of the following informalities:
 - Regarding page 10, paragraph [0034], "FIG. 3", should be --FIG.7--.Appropriate correction is required.

Claim Objections

2. **Claims 3 and 32** are objected to because of the following informalities:
 - Insert a --:-- , after the word "comprising".Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2, 6-9, 10-11, 15-25, 30-33 and 36-38** are rejected under 35 U.S.C. 102(b) as being anticipated by Goltra (U.S. Patent No. 5,823,949).

Regarding **claims 1, 10, 36 and 38**, Goltra discloses a method of organizing, interacting and searching a statement library, the statement library (computer based medical system; column 3, lines 5-8) including a plurality of statements (diagnoses:

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coronary artery stenosis, angina pectoris, etc.; column 5, lines 39-46) each statement having statement text (a cough; column 3, lines 31-33), a statement number (findings assigned a number; column 3, lines 37-40), and a statement acronym (SYM-symptoms section; column 3, lines 42-44), the method comprising:

- associating each statement (diagnoses) to at least one statement grouping (divided into categories; column 3, lines 26-29);

- associating each statement (a cough) to a plurality of statement attributes (second level; brassy cough etc.);

- associating keywords (code) to at least one of statement groupings (column 3, lines 37-42 and lines 42-51), and statement numbers (column 3, lines 37-40); and

- associating each statement with other statements (first level, second level; column 3, lines 31-40).

Regarding **claims 2, 15 and 16**, Goltra discloses a method further comprising:

- providing placeholders (assigned a numerical value) in a plurality of statements (column 3, lines 56-59).

Regarding **claim 6**, Goltra discloses a method further comprising:

- associating a part of speech with a plurality of statements (brassy (adjective); column 3, lines 34-36).

Regarding **claim 7**, Goltra discloses a method further comprising:

- associating grammatical characteristics with a plurality of statements (brassy (adjective); column 3, lines 34-36).

Regarding **claim 8**, Goltra discloses a method further comprising:
associating an acronym with a plurality of statements (SYM, HIS, PHY, column 3, lines 40-51).

Regarding **claim 9**, Goltra discloses a method further comprising:
associating a diagnostic predictor with a plurality of statements (column 5, lines 32-56).

Regarding **claims 11 and 37**, Goltra discloses a method further comprising:
accessing a minor grouping (a cough) associated with the grouping (column 3, lines 26-36).

Regarding **claim 17**, Goltra discloses a method further comprising:
providing abbreviated statement text (SYM, HIS, PHY, column 3, lines 40-51).

Regarding **claim 18**, Goltra discloses a method of generating clinical report text, comprising:

accessing a first medical statement from a statement library the first medical statement including a first grammatical characteristic identifier (brassy cough; column 3, lines 26-36);

accessing a second medical statement from the statement library the second medical statement including a second grammatical characteristic identifier (coronary artery stenosis; column 3, lines 56-65);

accessing the grammatical characteristic identifiers of the first and second medical statements (column 3, lines 26-36 lines 56-65); and

assembling the first medical statement with the second medical statement (column 5, lines 39-46) according to the grammatical characteristic identifiers of the first medical statement and the second medical statement, into a text block (creating a patient chart; column 6, lines 1-9).

Regarding **claim 19**, Goltra discloses a method further comprising:
associating measurement data (assigned value) with the first medical statement (medical findings; column 3, lines 65-67).

Regarding **claim 20**, Goltra discloses a method further comprising:
incorporating reason codes into the text block (diagnoses are coded; column 4, lines 13-19).

Regarding **claim 21**, Goltra discloses a method further comprising:
associating the first and second medical statements with a template configured to guide assemblage of the text block (hierarchical levels; column 3, lines 29-36).

Regarding **claim 22**, Goltra discloses a method further comprising:
constraining selection of the second medical statement according to a template configured to guide assemblage of the text block (hierarchical levels; column 3, lines 29-36).

Regarding **claim 23**, Goltra discloses a method further comprising:
constraining the selection of the second medical statement from a specific grouping (symptoms) according to the template (column 5, lines 57-67).

Regarding **claim 24**, Goltra discloses a method further comprising:

constraining the selection of the second medical statement according to the grammatical characteristics of the third medical statement as specified in the template (hierarchical levels; column 3, lines 29-36).

Regarding **claim 25**, Goltra discloses a method further comprising:

constraining the selection of the second medical statement according to an explicit statement (symptoms) list as specified by the template (column 5, lines 57-67).

Regarding **claim 30**, Goltra discloses a method of making a clinical assessment comprising:

generating a plurality of medical statements (diagnoses) from a statement library based on clinical measurements (add up all points), at least some of the medical statements in the statement library being associated with a diagnostic predictor (column 5, lines 32-46);

analyzing the diagnostic predictors from the plurality of medical statements (column 4, lines 44-51); and

providing, as an output, a clinical assessment based on the analysis of the diagnostic predictors (column 5, lines 32-56).

Regarding **claim 31**, Goltra discloses a method wherein the plurality of medical statements are automatically generated (information is automatically structured; column 4, lines 44-48).

Regarding **claim 32**, Goltra discloses a method further comprising:

generating a plurality of medical statements based on patient history information (history; column 3, lines 24-29 and column 4, lines 20-23).

Regarding **claim 33**, Goltra discloses a method further comprising:
generating a plurality of medical statements based on physical examination
information (physical examination; column 4, lines 48-51).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 26-29** are rejected under 35 U.S.C. 102(e) as being anticipated by
Drucker et al. (U.S. 6,292,796), hereinafter Drucker.

Regarding **claim 26**, Drucker discloses a method of generating a clinical report
through a computer user interface, comprising:

selecting a first medical statement from a medical statement library (diagnosis
(asthma); column 9, lines 15-25);

providing to the user access to a plurality of filtered medical statements (filtering;
column 6, lines 29-38 and column 7, lines 40-42) based on the first medical statement,
the filter being based on a grammatical characteristic of the first medical statement, a
keyword (column 5, lines 47-51); and

selecting a second medical statement from the plurality of filtered medical statements (diagnosis; column 10, lines 60-62 with column 6, lines 29-38).

Regarding **claim 27**, Drucke discloses a method further comprising:

completing automatically a partial identifier entered by a user (column 5, lines 31-36 and column 7, lines 2-6).

Regarding **claim 28**, Drucke discloses a method further comprising:

providing access to the complete statement library upon request by a user and thereby replacing the plurality of filtered medical statements (updated each time; column 7, lines 43-44).

Regarding **claim 29**, Drucke discloses a method further comprising:

providing to the user access to a further filtered list of medical statements derived from the plurality of filtered medical statements based upon a grouping identifier provided by a user (category; column 13, lines 1-7 and lines 23-29).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 3-5 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goltra in view of Drucker.

Regarding **claims 3 and 12**, Goltra discloses a method of organizing, interacting and searching a statement library, the statement library, but lacks enabling user initiated changes in font within each statement.

Drucker does not specifically teach enabling user initiated changes in font within each statement, but teaches that a user setup is incorporated within the medical records system (column 6, lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goltra's invention such that it enables a user to initiate changes in font within each statement, so that any important information, new diagnosis, changes in the system or the like, could stand out from other information, which is well known in the art.

Regarding **claims 4 and 13**, Goltra discloses a method of organizing, interacting and searching a statement library, the statement library, but lacks a method comprising

providing reference information in a plurality of statements.

Drucker discloses a statement library further comprising:

providing reference information (medical journals) in a plurality of statements (column 6, line 63 – column 7, line 6 and column 7, lines 27-33), to learn more about a certain type of illness, to handle a patient with unfamiliar symptoms, etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goltra's invention such that it provides reference information in a plurality of statements, to learn more about a certain type of illness, to handle a patient with unfamiliar symptoms which will relieve some of the time constraints placed on physicians time (column 1, lines 8-24).

Regarding **claims 5 and 14**, Goltra discloses a method of organizing, interacting and searching a statement library, the statement library, but lacks a method comprising providing a hyperlink in a plurality of statements.

Drucker discloses the method comprising:

providing a hyperlink in a plurality of statements (column 10, lines 12-14), to enable a user to access an internet website quickly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goltra's invention such that it provides a hyperlink in a plurality of statements, to learn more about information needed in less time (column 1, lines 8-24).

9. **Claims 34-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goltra in view of Xue et al. (U.S. Patent No. 6,507,753), hereinafter referenced as Xue.

Regarding **claim 34**, Goltra discloses a method of organizing, interacting and searching a statement library, the statement library, but lacks disclosing a method wherein the clinical assessment is a cardiovascular assessment.

Xue discloses a method for detecting cardiac syndromes in a patient wherein the clinical assessment (examining) is a cardiovascular assessment (column 4, lines 32-60), to study the function of the heart and identifying disorders in the heart.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goltra's invention such that the clinical assessment is a cardiovascular assessment, to study the function of the heart and identifying disorders in the heart, to help reduce serious impairment of the heart's function, including sudden death.

Regarding **claim 35**, Goltra discloses a method of organizing, interacting and searching a statement library, the statement library, but lacks disclosing a method wherein the medical statements are cardiovascular medical statements.

Xue discloses a method for detecting cardiac syndromes in a patient wherein the medical statements (patients records; column 2, lines 26-34) are cardiovascular medical statements (column 4, lines 32-60), to study the function of the heart and identifying disorders in the heart.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goltra's invention such that the medical statements are cardiovascular medical statements, to study the function of the heart and identifying disorders in the heart, to help reduce serious impairment of the heart's function, including sudden death.

Conclusion

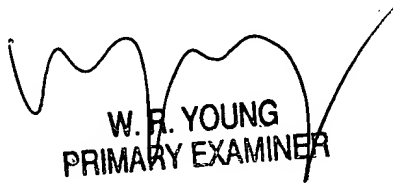
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Karpf (U.S. Patent No. 6,334,192) discloses a computer system and method for a self administered risk assessment.
- Mitchell et al. (U.S. Patent No. 6,684,188) discloses a method for production of medical records and other technical documents.
- Iliff (U.S. Patent No. 5,594,638) discloses a computerized diagnostic system including re-enter function and sensitivity factors.
- Dormond et al. (U.S. Patent No. 4,839,822) discloses a computer system and method for suggesting treatments for physical trauma.
- Potter et al. (U.S. Patent No. 4,733,354) discloses a method and apparatus for automated diagnosis using decision tress analysis.
- Barnhill et al. (U.S. Patent No. 5,769,074) discloses a computer assisted methods for diagnosing diseases.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 703.305.5593. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703. 305.4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free):


W. F. YOUNG
PRIMARY EXAMINER

JRJ
July 22, 2004